

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 E-Mail: Robert.Freeman@lewisbrisbois.com
FRANK A. TODDRE, II
3 Nevada Bar No. 11474
Frank.Toddre@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
TEL: 702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant State Farm Mutual
7 *Automobile Insurance Company*

8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA, SOUTHERN DIVISION

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11 JOSEPH LOMAGLIO, an individual,

12 Plaintiff,

13 vs.

14
15 STATE FARM MUTUAL AUTOMOBILE
16 INSURANCE COMPANY, a foreign
17 corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

18 Defendants.

CASE NO.: 2:21-cv-00328-KJD-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[NINTH REQUEST]

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20 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
21 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by
22 sixty (60) days, up to and including Monday, October 30, 2023. In addition, the parties request that
23 all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended
24 pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

- 25 1. On January 19, 2021, Plaintiff filed his Complaint in the Eight Judicial District Court.
26 2. On February 26, 2021, Defendant removed the case to Federal Court.
27 3. On March 5, 2021, Defendant filed its Answer to Complaint.
28 4. On March 18, 2021, the parties conducted an initial FRCP 26(f) conference.

5. On March 29, 2021, Plaintiff filed his Motion to Remand.
6. On March 31, 2021, Plaintiff served his FRCP 26 Initial Disclosures on Defendant.
7. On April 5, 2021, The Court entered the Discovery Plan and Scheduling Order.
8. On April 9, 2021, Defendant filed its Opposition to Motion to Remand.
9. On April 23, 2021, Plaintiff filed his Reply in Support of Motion to Remand.
10. On April 28, 2021, 2020, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
11. On July 1, 2021, Plaintiff served his first set of interrogatories and production requests on Defendant. Defendant served its responses on September 2, 2021.
12. On September 7, 2021, Defendant served its First Supplement to FRCP 26 Initial Disclosures on Plaintiff.
13. On October 11, 2021, Plaintiff served his first set of admissions requests and second set of production requests on Defendant.
14. On October 14, 2021, Defendant served its Second Supplement to FRCP 26 Initial Disclosures on Plaintiff.
15. On November 30, 2021, Plaintiff served his First Supplement to FRCP 26 Initial Disclosures on Plaintiff.
16. Also on November 30, 2021, Plaintiff served his discovery responses.
17. On December 7, 2021, Defendant served its discovery responses.
18. On February 24, 2022, Defendant served its Third Supplement to FRCP 26 Initial Disclosures on Plaintiff.
19. On March 14, 2022, Defendant produced the third-party claim file identified in its Third Supplement to its FRCP 26 Initial Disclosures.
20. On March 14, 2022, the Court entered its Order Denying Plaintiff's Motion to Remand.
21. Plaintiff deposed State Farm Claim Specialist Tyce Gummow on October 27, 2022.
22. Plaintiff served his third set of written discovery on Defendant State Farm on November 30, 2022.

23. Plaintiff took the deposition of State Farm representative Erick Bayer on February 6, 2023.
24. On April 4, 2023 Defendant served its Fourth Supplement to FRCP 26 Initial Disclosures on Plaintiff.
25. On April 26, 2023 Defendant served its Fourth Supplement to FRCP 26 Initial Disclosures on Plaintiff.
26. On July 5, 2023, Plaintiff served his Tenth Supplement to 26.1 Disclosures.
27. On July 10, 2023, Defendant took the deposition of Plaintiff Joseph Lomaglio.
28. On July 27, 2023, Plaintiff took the partial deposition of Dave Fletcher
29. The parties have served their respective initial and rebuttal expert discovery.

DISCOVERY REMAINING

1. The deposition of Scott Gilmore is set for August 25, 2023.
2. The deposition of Dave Eaton is set for August 31, 2023.
3. The continued deposition of Dave Fletcher will be scheduled in August/September 2023.
4. The 30(b)(6) depositions of Defendant will be scheduled in September/October 2023.
5. The parties will take the expert depositions in October 2023.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested extension. This Request for an extension of time is not sought for to delay the proceedings or for any improper purpose. Rather, the parties seek this extension solely to allow sufficient time to conduct the remaining depositions.

The parties are currently working to resolve the issues with the current notice of the 30(b)(6) deposition, that may require litigation. Additionally, Counsel for Defendant is attending to family obligations over the next few months that will require him to be out of the jurisdiction.

A sixty (60) day extension of the discovery deadlines will allow the parties to coordinate and prepare for the remaining depositions. For those reasons, the parties respectfully request a brief

extension of the discovery deadlines in this matter.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the ninth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	New Deadline
Discovery Cut-off	Thursday, August 31, 2023	<i>Monday, October 30, 2023</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Closed</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Closed</i>	<i>Closed</i>
Dispositive Motions	<i>Monday, October 2, 2023</i>	<i>Wednesday, November 29, 2023</i>
Joint Pretrial Order	<i>Wednesday, November 1, 2023</i>	<i>Friday, December 29, 2023</i> <i>If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.</i>

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1 WHEREFORE, the parties respectfully request this Court extend the discovery period by
2 sixty (60) days from the current deadline of August 31, 2023 up to and including October 30, 2023,
3 and extend the other dates as outlined in accordance with the table above.

4 Dated this 10th day of August 2023.

Dated this 10th day of August 2023.

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

PRINCE LAW GROUP

6
7 /s/ Robert W. Freeman

ROBERT W. FREEMAN

8 Nevada Bar No. 3062

FRANK A. TODDRE, II

9 Nevada Bar No. 11474

6385 S. Rainbow Boulevard, Suite 600

10 Las Vegas, Nevada 89118

11 *Attorneys for Defendant State Farm Mutual
Automobile Insurance Company*

/s/ Kevin T. Strong

DENNIS M. PRINCE

Nevada Bar No. 5092

KEVIN T. STRONG

Nevada Bar No. 12107

ANGELA M. LEE

Nevada Bar No. 14905

10801 West Charleston Blvd., Suite 560

Las Vegas, NV 89135

12 -and-

13 JASON R. MAIER

Nevada Bar. No. 8557

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

14 Las Vegas, NV 89148

15 -and-

16 JORDAN P. SCHNITZER

Nevada Bar No. 10744

THE SCHNITZER LAW FIRM

9205 W. Russell Road, Suite 240

17 Las Vegas, NV 89148

18 *Attorneys for Plaintiff Joseph Lomaglio*

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20
21 **ORDER**

22 IT IS SO ORDERED.

23 Dated this 10th day of August, 2023.

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25 
26 U.S. MAGISTRATE JUDGE